

**EXHIBIT B**

**CONDITIONS OF APPROVAL FOR CASTANEDA VESTING TENTATIVE PARCEL MAP  
SUB2015-00009/CO15-0065**

**Approved Project**

1. A Vesting Tentative Parcel Map to subdivide two existing parcels totaling approximately 21 acres into four parcels of approximately 5.20 acres each for the purpose of sale and/or development.

**Access and Improvements**

2. Roads and/or streets to be constructed to the following standards, unless design adjustments are approved by the Public Works Department in accordance with Section 1.2 of the Public Improvement Standards:
  - a. Pomeroy Road shall be widened to complete an A-1 rural road section fronting the property and within a ten foot dedicated right-of-way easement, or additional dedication as necessary to ensure sufficient width to contain all elements of the roadway prism.
  - b. Rocky Place shall be improved to Cal Fire standards from Pomeroy Road easterly along the entire property frontage and within the existing 20 foot easement, or provide additional easement width along the property frontage as necessary to contain all elements of the roadway prism.
  - c. Private access road serving Parcels 1 and 2 from Rocky Place shall be constructed to Cal Fire Standards within a minimum 20-foot private access and utility easement with additional easement width as necessary to contain all elements of the roadway prism. The access road shall terminate in a Cal Fire standard cul-de-sac or other approved terminus.
  - d. At its intersection with Pomeroy Road, Rocky Place shall be improved to a B-1 series driveway and sight distance standard.
  - e. All existing driveway connections to Pomeroy Road shall be demolished, scarified, revegetated, fenced and the shoulder restored in accordance with County rural road standards.
3. The applicant offer for dedication to the public by certificate on the map or by separate document:
  - a. For future road improvement 10-foot wide road right-of-way along Pomeroy Road to be described as 30-feet from the recorded centerline, with additional width as necessary to contain all elements of the roadway prism.
  - b. A 20-foot radius road right-of-way along the property line returns at the intersection of Pomeroy Road and Rocky Place.
  - c. A public utility easement along Pomeroy Road to be described as 6-feet beyond the right-of-way, plus those additional easements as required by the utility company, shall be shown on the final map.

4. The applicant shall reserve the following private easements by certificate on the map or by separate document:
  - a. A minimum 20-foot shared private access and utility easement in favor of Parcels 1 and 2 with additional width as necessary to include all elements of the roadway prism and the cul-de-sac or other Cal Fire approved road terminus.
  - b. Provide additional width as necessary along the existing 20 foot Rocky Lane easement to include all elements of the roadway prism.
5. The applicant shall show the following restrictions by certificate on the map or by separate document:
  - a. Access shall be denied to Parcels 1 and 3 from Pomeroy Road and this shall be by certificate and designation on the map.
  - b. If drainage basins are required then the basin areas shall be indicated as a building restriction on the map.

#### **Improvement Maintenance**

6. Prior to map recordation the developer shall establish a Property Owners' Association or other organized and perpetual mechanism to ensure inspection, operation, and maintenance of the following improvements:
  - a. The shared private access road serving parcels 1 and 2.
  - b. Maintenance of Rocky Place fronting Parcels 3 and 4.
  - c. Shared drainage basins or other shared storm water facilities.

#### **Improvement Plans**

7. Improvement plans shall be prepared in accordance with County Public Improvement Standards by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include, as applicable:
  - a. Street plan and profile.
  - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
  - c. Water plan to be approved jointly with County Environmental Health.
  - d. Sewer plan to be approved jointly with County Environmental Health.
  - e. Sedimentation and erosion control plan for subdivision related improvement locations.
  - f. Traffic control plan for construction in accordance with the California Manual on Uniform Traffic Control Devices (CA-MUTCD).
  - g. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
  - h. Tree removal/retention plan for trees to be removed and retained associated with the required improvement for the land division to be approved jointly with the Department of Planning and Building.
  - i. Trail plan, to be approved jointly with the Park Division.
8. The applicant shall enter into an agreement and post a deposit with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative.

9. The applicant shall provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
10. The Registered Civil Engineer, upon completion of the improvements, shall certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans.
11. All public improvements shall be completed prior to occupancy of any new structure.

#### **Drainage**

12. Submit complete drainage calculations to the Department of Public Works for review and approval.
13. If calculations so indicate, drainage must be retained in a drainage basin on the property. The design of the basin is to be approved by the Department of Public Works, in accordance with county standards. The basin(s) is to be maintained in perpetuity.

#### **Wastewater Disposal**

14. Prior to the filing of the final parcel or tract map, the applicant shall submit to and be jointly approved by the county Department of Planning and Building and Health Department, results of percolation tests and the log or logs of soil borings performed by a registered civil engineer. For this purpose, the applicant shall perform one or more soil borings to be a minimum depth of ten (10) feet in the area of the appropriate area of the proposed sewage disposal system to determine the: a) subsurface soil conditions, (example: impermeable strata which act as barriers to the effective percolation of sewage); b) presence of groundwater; c) separation between sewage disposal saturation areas and groundwater; d) borings shall be as deep as necessary below the proposed on-site disposal area to assure required separation. The applicant must perform a minimum of three (3) percolation test holes, to be spaced uniformly in the area of the proposed sewage disposal system. (Parcels 1 and 2 only)

#### **Utilities**

15. All new electric power, telephone and cable television services shall be completed to each new parcel and ready for service. Applicant responsibilities for electric service and distribution line extensions (facilities and equipment) are detailed in PG&E Electric Rule No.15 and Rule No.16, respectively.
16. **Prior to final map recordation**, electric, telephone, and cable television services shall be completed, and shall meet the utilities' installation requirements, unless (in-lieu) financial arrangements with the utility for the installation of these systems have been made.
17. New gas distribution mains shall be installed along the entire project frontage and gas service laterals shall be stubbed to each new parcel unless otherwise directed by the gas purveyor.

#### **Design**

18. The applicant shall bring all unpermitted structures into conformance with the Land Use Ordinance prior to filing the final parcel or tract map. A demolition permit may be required.

19. The lot area of Parcels 1-4 shall contain a minimum area of five acres gross, 4.5 acres net, exclusive of area shown for rights of way and any easement that limits the surface use for building construction (Section 22.22.030).

#### **Fire Protection**

20. The applicant shall obtain a fire safety clearance letter from CalFire establishing fire safety requirements prior to filing the final parcel or tract map.

#### **Parks and Recreation (Quimby) Fees**

21. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them.

#### **Inclusionary Housing**

22. **Prior to filing the final parcel map or tract map**, the applicant shall enter into an inclusionary housing agreement to ensure the construction of inclusionary housing unit(s), in conformance with Section 22.12.080. As an alternative, the applicant may pay the residential in-lieu fee pursuant to Section 22.12.080.C.2.b, or defer in-lieu fee payment pursuant to Section 22.12.080.J.4.c.

#### **Mitigations**

23. **At the time of application for subdivision improvement plans and/or construction permits**, if possible, to avoid potential impacts to nesting birds, tree removal associated with project activities shall be limited outside the bird nesting season, which is February 15th to September 15th. However, if tree removal is required during the bird nesting season, a survey for nesting birds shall be conducted within two weeks prior to ground disturbing activities by a qualified biologist, retained by the applicant, in and adjacent to the project area. If nesting birds are found to be located within or adjacent to the project area, an appropriate buffer area shall be established by a qualified biologist to ensure protection of the nesting birds. The biologist shall determine the appropriate buffer distance based on the bird species, topography, vegetation, and type of disturbance and in consultation with CDFW and/or USFWS. At a minimum, the buffer area shall be delineated with brightly colored construction fencing. No construction, grading, or equipment staging activities shall occur within the buffer area, which shall remain in place until the biologist has determined that the young have fledged from the nest.
24. **Prior to any site disturbance**, the applicant shall have a geologic evaluation completed to determine if naturally occurring asbestos (NOA) is present within the area of disturbance. If NOA is not present, an exemption request shall be filed with the APCD. If NOA is present, the applicant shall comply with all requirements of the Air Toxics Control Measure.

#### **Additional Map Sheet**

25. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:

- a. Notification to prospective buyers that Rocky Place and the shared driveway to Parcels 1 and 2 are to be privately maintained by the property owners, indicating the proposed maintenance mechanism.
- b. If drainage basins are required, that the property owners are responsible for on-going maintenance of basin, fencing, landscaping in a viable condition on a continuing basis into perpetuity. The basin areas shall be indicated as a building restriction.
- c. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed to the satisfaction of the County prior to occupancy of any new structure.
- d. In accordance with Title 13.01 of the County Code, the applicant shall be responsible for paying to the Department of Public Works the South County Area 2 Road Improvement Fee. The fee shall be imposed at the time of application for building permits and shall be assessed for each building permit to be issued. These fees are subject to change by resolution of the Board of Supervisors. The applicant shall be responsible for paying the fee in effect at the time of application for building permits.
- e. The property owner shall be responsible for the operation and maintenance of public road frontage landscaping in a viable condition and on a continuing basis into perpetuity, or until specifically accepted for maintenance by a public agency.
- f. All driveway approaches shall be constructed in accordance with County Public Improvement Standards. All driveway approaches constructed on County roads or project related roads to be accepted for County maintenance shall require an encroachment permit.
- g. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.

#### Aesthetics

- h. **At the time of application for construction permits**, the applicant shall submit an Exterior Lighting Plan for County review and approval. The Plan shall define the height, location, and intensity of all exterior lighting. All lighting fixtures shall be positioned “down and into” the development, and shielded so that neither the lamp nor the related reflector interior surface is visible from surrounding properties. All lighting poles, fixtures, and hoods shall be dark colored. These measures shall be shown on applicable construction drawings prior to issuance of construction permits and permanent lighting shall be installed prior to final inspection.

#### Air Quality

- i. As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, the APCD’s Enforcement Division may be contacted (805/781-5912).
- j. Fugitive PM10 Mitigation Measures (All required PM10 measures shall be shown on applicable grading or construction plans. In addition, the developer shall designate personnel to insure compliance and monitor the effectiveness of the required dust control measures (as conditions dictate, monitor duties may be necessary on weekends and holidays to insure compliance); the name and

telephone number of the designated monitor(s) shall be provided to the APCD prior to construction/ grading permit issuance)

1. Reduce the amount of the disturbed area where possible;
  2. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
  3. All dirt stock-pile areas should be sprayed daily as needed;
  4. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- k. Only the following types of wood burning devices shall be allowed (based on District Rule 504): a) EPA-Certified Phase II wood burning devices; b) catalytic wood burning devices emitting less than or equal to 4.1 grams per hour of particulate matter, as verified by a nationally-recognized testing lab; c) non catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter, as verified by a nationally-recognized testing lab; d) pellet-fueled woodheaters; or e) dedicated gas-fired fireplaces. Prior to construction permit issuance, such devices shall be shown on all applicable plans, and installed as approved by the County.

#### Biological Resources

- l. **At the time of application for construction permits**, if possible, to avoid potential impacts to nesting birds, tree removal associated with project activities shall be limited outside the bird nesting season, which is February 15th to September 15th. However, if tree removal is required during the bird nesting season, a survey for nesting birds shall be conducted within two weeks prior to ground disturbing activities by a qualified biologist, retained by the applicant, in and adjacent to the project area. If nesting birds are found to be located within or adjacent to the project area, an appropriate buffer area shall be established by a qualified biologist to ensure protection of the nesting birds. The biologist shall determine the appropriate buffer distance based on the bird species, topography, vegetation, and type of disturbance and in consultation with CDFG and/or USFWS. At a minimum, the buffer area shall be delineated with brightly colored construction fencing. No construction, grading, or equipment staging activities shall occur within the buffer area, which shall remain in place until the biologist has determined that the young have fledged from the nest.

#### Water

- m. **At the time of application for construction permits**, the applicant shall off-set water use as required by §19.07.042 to meet the supplemental water development required by County Ordinance for properties located within the Nipomo Mesa Water Conservation Area. Off-set Clearance from the Department of Planning and Building will verify that new water use has been offset at a 1:1 ratio prior to permit issuance for new development on the undeveloped parcels (Parcels 1 and 2).
- n. In order to decrease water demand, at the time of application for construction permits, the applicant shall provide the following on the project plans:
1. Plans shall incorporate all feasible low impact design (LID) features.
  2. The maximum amount of turf (lawn) area shall not exceed 20% of the site's total irrigated landscape area.
  3. Landscaping plans shall include low water using, drought tolerant plant species, preferably plants native to the region.
  4. Each parcel's total landscaped area shall not exceed 1,500 square feet.

- o. For the life of the project, as long as a Level of Severity III exists for water resources within the Nipomo Mesa Water Conservation Area, the applicant shall adhere to the following water waste prevention activities:
  1. Application of water to outdoor landscapes in a manner that results in runoff into non-irrigated areas, public and private walkways, roadways, parking lots, structures or other hard surface areas.
  2. Use of a hose to wash an automobile or other vehicle except where the hose is fitted with an automatic shut off nozzle or device attached to it that causes it to cease dispensing water when not in use.
  3. Application of water to hard surfaces, including but not limited to, driveways, sidewalks, unpaved walkways and any other hard surface areas.
  4. Use of potable water in a fountain or other decorative water feature unless such water flows through a recirculating system
  5. Application of water to outdoor landscape more than 3 times per week.

### **Covenants, Conditions and Restrictions**

26. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval and recordation along with the map. The CC&R's shall provide at a minimum the following provisions:
  - a. Maintenance of Rocky Place and the share driveway to Parcels 1 and 2 in perpetuity.
  - b. If a private storm drainage system is required, on-going maintenance of the system and appurtenances on a continuing basis into perpetuity
  - c. If a drainage basin is required, on-going maintenance of basin, fencing, landscaping, and related components in a viable condition on a continuing basis into perpetuity.
  - d. If storm water treatment facilities are required, on-going maintenance of said facilities in a viable condition on a continuing basis into perpetuity.
  - e. Operation and maintenance of public road frontage landscaping in a viable condition and on a continuing basis into perpetuity.
  - f. Notification to prospective buyers that an additional map sheet was recorded with the final parcel or tract map. The restrictions, conditions and standards set forth in the additional map sheet apply to future development. It is the responsibility of the prospective buyers to read the information contained on the additional map sheet.
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### **Miscellaneous**

27. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.
28. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and septic tanks, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.

29. Applicant shall file with the Department of Public Works an application requesting apportionment of any unpaid assessments under the Improvement Bond Act of 1915, in compliance with Section 8740.1 of the Streets and Highways Code of the State of California. Said apportionment must be completed prior to filing the map.
30. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
31. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from the date a time extension request may be acted on.



STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS USING  
COMMUNITY WATER AND SEPTIC TANKS

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved Public water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to Environmental Health Services for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Construction of required improvements (water main extensions, laterals to each parcel) may be delayed, through preparation of plans, posting of bonds, and subject to the approval of County Public Works, Environmental Health Services, and the public water utility. However, bonding may **not** occur for the water well(s) construction, quantity and quality.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by Environmental Health Services.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and Environmental Health Services destruction standards. The applicant is required to obtain a permit from the County Health Department.
5. When a potentially operational or existing auxiliary water supply (in the form of an existing well(s)) is located on the parcels created by this subdivision and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection **prior to occupancy**. (Chapter 8.30, San Luis Obispo County Code).
6. On-site systems that are in conformance with the county-approved Central Coast Regional Water Quality Control Board basin plan and County Building and Construction Ordinance, Title 19, will be an acceptable method of sewage disposal, until public sewers may become available.
7. **Prior to the filing of the final parcel or tract map**, the applicant shall submit to and be jointly approved by the county Department of Planning and Building and Health Department, results of percolation tests and the log or logs of soil borings performed by a registered civil engineer. For this purpose, the applicant shall perform one or more soil borings to be a minimum depth of ten (10) feet in the area of the appropriate area of the proposed sewage disposal system to determine the: a) subsurface soil conditions, (example: impermeable strata which act as barriers to the effective percolation of sewage); b) presence of groundwater; c) separation between sewage disposal saturation areas and groundwater; d) borings shall be as deep as necessary below the proposed on-site disposal area to assure required separation. The applicant must perform a minimum of three (3) percolation test holes, to be spaced uniformly in the area of the proposed sewage disposal system. (Parcels 1 and 2 only).
8. No sewage disposal system installations are to be placed closer than 100 feet from the top of any perennial or continuous creek bank, drainage swale or area subject to inundation.

9. For parcels created with approved community (public) water but no community sewers, the approved on-site sewage disposal system shall be designed, where feasible, for ease in ultimate sewerage.
10. Sewage disposal systems shall be separated from any individual domestic well and/or agricultural well, as follows: 1) leaching areas, feed lots, etc., one hundred (100) feet and bored seepage pits (dry wells), one hundred and fifty (150) feet. Domestic wells intended to serve 5 or more parcels shall be separated by a minimum of two hundred (200) feet from a leach field, two hundred and fifty (250) feet from seepage pits or dry wells.
11. Individual systems on new land divisions shall be designed and constructed to either reserve sufficient site area for dual leach fields (100% replacement area), or construct the dual leach fields with a diverter valve at the time of initial septic system installation.
12. Sewage disposal systems installed on slopes in excess of 20% shall be designed and certified by a registered civil engineer or geologist and submitted to the County Planning and Environmental Health Services for review and approval **prior to the issuance** of a building permit. Consultants shall determine geologically stable building sites and sewage disposal for each parcel, including evaluations of hillside stability under the most adverse conditions including rock saturation and seismic forces. Slopes in excess of 30% are not considered suitable or practical for on-site subsurface sewage disposal.
13. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
14. All conditions of approval herein specified, unless otherwise noted, shall be completed prior to recordation of the map.